

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2013 JAN 24 PM 1:05

GLEND A JIMMO, et al.

Plaintiffs,

vs.

KATHLEEN SEBELIUS, Secretary of  
Health and Human Services,

Defendant.

CLERK  
BY PC  
DEPUTY CLERK

Case No. 5:11-cv-17

ORDER GRANTING FINAL APPROVAL OF SETTLEMENT AGREEMENT  
AND DIRECTING ENTRY OF FINAL JUDGMENT

The court has carefully considered the parties' proposed Settlement Agreement ("Agreement"), filed on October 16, 2012 (Doc. 82-1), as well as the supporting papers. A fairness hearing was held on January 24, 2013.

The court finds that the Agreement is fair, adequate, and reasonable. It provides meaningful injunctive relief to the Class, including comprehensive clarifications of certain Medicare coverage standards. The Agreement follows a lengthy period of litigation and settlement negotiation. It is the result of arm's-length negotiations between the parties.

Notice has been given to the Class in the manner directed by the court. Class counsel received one written objection which the court has considered and found not to abrogate the fairness of the Agreement.


The parties have stipulated to the certification of a class as set forth in Section XI of the Agreement. The court finds that the class meets the requirements for certification under Rule 23 of the Federal Rules of Civil Procedure for the reasons specified in the Order Preliminarily Approving the Settlement Agreement and Preliminarily Approving the Class (Doc. 86).

Therefore, IT IS HEREBY ORDERED that:

1. Final approval of the Settlement Agreement is granted.
2. The Class as set forth in Section XI of the Agreement is certified under Rule 23(b)(2).
3. The court directs entry of Final Judgment, dismissing this action with prejudice, pursuant to the terms of the Agreement and Federal Rule of Civil Procedure 41(a)(2). The Final Judgment shall incorporate and be subject to the terms of the Settlement Agreement, as set forth in Section V of the Agreement.
4. The court will retain jurisdiction over this matter for the limited purposes and time period set forth in Section VI of the Agreement.

SO ORDERED.

Dated in Rutland, in the District of Vermont, this 24<sup>th</sup> day of January, 2013.

  
Christina Reiss, Chief Judge  
United States District Court